

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL W. JENKINS,  
Plaintiff,

Civil No. 03-376-ST

ORDER

v.

ROBERT SCHIEDLER,  
Defendant.

MARSH, Judge.

Magistrate Judge Stewart filed her Findings and Recommendation on March 22, 2005. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir.

1981), cert. denied, 455 U.S. 920 (1982). Petitioner filed timely objections. I have, therefore, given the file of this case a *de novo* review.

I find no error. Accordingly, I ADOPT the Findings and Recommendation (#48) of Magistrate Judge Stewart, that the Petition for Writ of Habeas Corpus be DENIED, and that the action be DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 15 day of April, 2005.

/s/ Malcolm F. Marsh  
Malcolm F. Marsh  
United States District Judge